

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

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LAURIE EVANS,

Plaintiff,

Index No.:

-against-

**VERIFIED  
COMPLAINT**

BLOOMBERG L.P., KEITH GROSSMAN, and JOHN  
DOES # 1-10,

**JURY TRIAL  
DEMANDED**

Defendants.  
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Plaintiff LAURIE EVANS, by her attorneys, THE CLANCY LAW FIRM, P.C.,  
complaining against Defendants BLOOMBERG L.P., KEITH GROSSMAN, and  
BLOOMBERG L.P.'s owner(s), executive officer(s), director(s), senior manager(s), and/or  
supervisor(s) named herein as "JOHN DOES # 1-10," upon information and belief, and at  
all times relevant, alleges as follows:

### **NATURE OF THE ACTION**

1. This is an action for injunctive relief, declaratory judgment and money  
damages to remedy discrimination on the basis of sex, age, and disability in the terms,  
conditions and privileges of employment under the New York City Human Rights Law  
as contained in the Administrative Code of the City of New York, § 8-101 *et seq.*  
("NYCHRL"); the New York State Human Rights Law as contained in New York State  
Executive Law, § 296 *et seq.* ("NYSHRL");

2. This action is brought to vindicate the human and civil rights of Plaintiff LAURIE EVANS. Plaintiff contends that the terms, conditions and privileges of her employment relationship with Defendants BLOOMBERG L.P., KEITH GROSSMAN and "JOHN DOES" # 1-10, (collectively "DEFENDANTS"), were adversely affected because of her sex, age, and disability.

### **JURISDICTION AND VENUE**

3. A substantial part of the acts giving rise to this action were committed within the State and City of New York, and venue is properly lodged in this Court.

### **PROCEDURAL REQUIREMENTS**

4. Prior to commencement of this action, Plaintiff served a copy of the Complaint upon the New York City Commission of Human Rights and the Corporation Counsel of the City of New York in accordance with New York City Administrative Code § 8-502(c).

### **PARTIES**

5. Plaintiff LAURIE EVANS ("PLAINTIFF") is a 56 year old female who currently resides in the State of New Jersey, County of Mercer.

6. Upon information and belief, Defendant BLOOMBERG L.P. ("BLOOMBERG") is a foreign limited partnership existing under and by virtue of the laws of the State of Delaware.

7. Upon information and belief, BLOOMBERG has its primary place of business located at 731 Lexington Avenue, City of New York, County of New York, State of New York.

8. Upon information and belief, Defendant BLOOMBERG is a privately owned financial, software, data, and media company whose majority ownership is held by its founder Michael Bloomberg.

9. BLOOMBERG is an employer within the meaning of New York City Administrative Code § 8-102(1).

10. BLOOMBERG is an employer within the meaning of the N.Y.S Executive Law § 296.

11. At all relevant times, Defendant KEITH GROSSMAN (“DEFENDANT GROSSMAN” or “CFO GROSSMAN”) was the Chief Financial Officer (“CFO”) of Bloomberg, L.P.’s Media Department.

12. Upon information and belief, Defendant CFO GROSSMAN resides in the City of New York, State of New York.

13. At all relevant times, CFO GROSSMAN reported to the CEO of BLOOMBERG’s media department who reported directly to Michael Bloomberg, CEO, majority owner, chairman and CEO of BLOOMBERG, L.P.

14. At all relevant times, CFO GROSSMAN authorized, managed, supervised, controlled and condoned the implementation and enforcement of BLOOMBERG's EEO policies and practices and in particular, those within BLOOMBERG's media department.

15. At all relevant times, CFO GROSSMAN directly supervised PLAINTIFF.

16. At all relevant times, Defendant GROSSMAN acted in his official, managerial, and/or executive capacity for Defendant BLOOMBERG and in his individual capacity.

17. At all relevant times, Defendant GROSSMAN acted as the agent and representative of Defendant BLOOMBERG in the course and scope of his employment and in an apparent or actual official, managerial, executive or agency relationship. The scope of Defendant GROSSMAN's employment included the supervision and management of Defendant BLOOMBERG's employees.

18. At all relevant times, each and every act or failure to act of each Defendant and/or individual named was ratified by Defendant BLOOMBERG and its executive officers, directors, and/or supervisors.

19. CFO GROSSMAN is a person within the meaning of the NYC Administrative code § 8-102(1), and an employer within the meaning of NYC Administrative Code §§ 8-102(5) and 8-107.

20. Defendants "JOHN DOES" #1-10 are fictitious names of individuals, whose identities are not presently known and/or who are individuals involved in the

ownership, operation, management, control and supervision of Defendant BLOOMBERG, and/or the promulgation, drafting, approval, implementation, and enforcement and/or lack thereof of Defendant BLOOMBERG's employment policies, and/or the encouraging and/or condoning of the discriminatory and/or hostile work environment described herein. At all times relevant hereto, "JOHN DOES" #1-10 were acting as the owner, agent, and/or representative of Defendant BLOOMBERG.

21. "JOHN DOES" #1-10 are a person(s) within the meaning of the NYC Administrative code § 8-102(1), and an employer within the meaning of NYC Administrative Code §§ 8-102(5) and 8-107.

22. "JOHN DOES" #1-10 are an employer within the meaning of the N.Y.S Executive Law § 296.

### **FACTS COMMON TO ALL COUNTS**

#### **DEFENDANT BLOOMBERG'S WORK ENVIRONMENT**

23. At all relevant times, Michael Bloomberg was the principal and/or majority owner, Chairman of the Board of Directors, and Chief Executive Officer charged with the management, operation and control of his namesake company, Defendant BLOOMBERG.

24. While owning, managing, and/or controlling Defendant BLOOMBERG, Michael Bloomberg was sued by a class of female employees led by a female sales

executive who accused him and his company of sexual harassment and creating a hostile work environment for female employees.<sup>1</sup>

25. The U.S. Equal Employment Opportunity Commission (“EEOC”) filed a sexual harassment lawsuit on behalf of 58 women claiming that Michael Bloomberg and “other male managers” at the company made “repeated and unwelcome” sexual comments, overtures and gestures, which contributed to an offensive, locker-room culture.<sup>2</sup>

26. The sexual harassment lawsuit against Michael Bloomberg, his company, and his “other male managers” stated that he displayed a discriminatory attitude toward pregnant women and new mothers and that this culture was fostered at his namesake company.<sup>3</sup>

27. The sexual harassment lawsuit against Michael Bloomberg and his “other male managers” stated that they engaged in a pattern of demoting women, diminishing their duties and excluding them from other job opportunities after they disclosed they were pregnant and/or for discriminatory reasons based upon their sex.<sup>4</sup>

28. The EEOC complaint alleged that “[t]his systemic top-down discrimination against female employees is fostered, condoned and perpetrated by the highest levels of

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<sup>1</sup> The Associated Press, *58 Women Now Suing Bloomberg LP for Sex Discrimination*, Daily News (2008).  
<https://www.nydailynews.com/news/58-women-suing-bloomberg-p-sex-discrimination-article-1.331323>

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

management within Bloomberg and by ownership of Bloomberg, to wit Michael Bloomberg. . ."<sup>5</sup>

29. Bloomberg's sexism dates back for longer than a decade. In 2001, BLOOMBERG employees wrote a book titled *Portable Bloomberg: The Wit and Wisdom of Michael Bloomberg* that was given to Mr. Bloomberg as a gift. The book allegedly contains "Bloombergisms," direct quotes of Mr. Bloomberg

30. New York Magazine author, Michael Wolff reported that the book "represents...an institutional acceptance of the arrogance, cruelty, carelessness and rulelessness of the CEO."<sup>6</sup>

31. Author Cord Jefferson also commented about the contents of the BLOOMBERG book: "[a]lso, sexism. A lot of sexism."<sup>7</sup>

32. Examples of "Bloombergisms" include the following remarks: "*The three biggest lies are: 'the check's in the mail', 'I'll respect you in the morning' and 'I'm glad I'm Jewish'; 'If women wanted to be appreciated for their brains, they'd go to the library instead of Bloomingdale's'; and 'I know for a fact that any self-respecting woman who walks past a construction site and doesn't get a whistle will turn around and walk past again and again until she does get one.'*"<sup>8</sup>

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<sup>5</sup> Associated Press, "Woman in Bias Suit Alleges Bloomberg 'Fostered' Discrimination." The Wall Street Journal (2007). <https://www.wsj.com/articles/SB119144443154248063>

<sup>6</sup> Jefferson, Cord, *'I'd Do Her': A Brief History of Michael Bloomberg's Public Sexism*. Gawker (2013). <http://gawker.com/5979679/id-do-her-a-brief-history-of-michael-bloombergs-public-sexism>.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

33. Describing one of his well-known business information systems to his female employees, Mr. Bloomberg touted, "[i]t will do everything, including give you a blow job. I guess that puts a lot of you girls out of business."<sup>9</sup>

34. Mr. Bloomberg has also been quoted in the past saying, "What do I want? I want a B.J. from Jane Fonda. Have you seen Jane Fonda lately? Not bad for fifty."<sup>10</sup>

35. The majority of BLOOMBERG's female employees are in sales, administrative and/or support roles while Defendant BLOOMBERG's C-Suite of officers and directors are male.

36. At all relevant times, Defendant BLOOMBERG, by its CEO, Mr. Bloomberg and other male officers promoted, preferred, favored and/or supported male employees over female employees and/or compensated them on a disproportionately higher level.

37. At all relevant times, Defendant BLOOMBERG by its CEO, Mr. Bloomberg, was responsible for approval of hiring, promoting and/or supporting senior male officers and/or managers and those particularly in sales who reported directly to him as CEO.

38. At all relevant times, Defendant BLOOMBERG, by its male officers, directors, and/or supervisors, followed the example and leadership of Mr. Bloomberg, and created a dominant male culture where discrimination permeated the company's work environment on a daily basis.

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<sup>9</sup> Kolbert, Elizabeth, *The Prophet of Love*. Bloomsbury Publishing USA (2004).

<sup>10</sup> Vdare.com, *Mayor Michael Bloomberg: Rude, Crude and Dangerous to the Country*. (2006).

<http://www.vdare.com/articles/mayor-michael-bloomberg-rude-crude-and-dangerous-to-the-country>



39. At all relevant times, Defendant BLOOMBERG, by its executive officers, senior managers, and/or supervisors, including but not limited to, its CEO, Michael Bloomberg, promulgated, drafted, approved, managed, supervised, controlled and condoned the implementation and enforcement of its employment policies and practices, including but not limited to, its EEO ("Equal Employment Opportunity"), anti-discrimination and retaliation, discipline, equal terms and conditions, internal control policies, and human resources policies (collectively "employment policies").

40. Upon information and belief, Defendant BLOOMBERG, by its executive officers, senior managers, and/or supervisors, including but not limited to, its CEO, Michael Bloomberg, its human resources, and/or in-house attorneys, purportedly monitored the effectiveness of its employment policies.

41. At all relevant times, Defendant BLOOMBERG, by its executive officers, senior managers, and/or supervisors, including but not limited to, its CEO, Michael Bloomberg, its human resources, and/or in-house attorneys were required to provide anti-discrimination, education, and testing regarding its EEO policies for and on behalf of all of its employees, and approved the discipline and/or termination or lack thereof of its employees for violations of employment policies.

42. At all relevant times, all employees, including but not limited to, Defendant CFO GROSSMAN, were required to follow Defendant BLOOMBERG's employment policies and internal procedures for preventing discrimination in its work place.

43. At all relevant times, Defendant BLOOMBERG's executive officers, senior managers, and/or supervisors were required to administer and apply Defendant BLOOMBERG'S employment policies fairly and uniformly to all its employees.

44. At all relevant times, Defendant BLOOMBERG, by its CEO, Mr. Bloomberg, executive officers, senior managers, and/or supervisors had the right to approve the hiring, promoting, discipline, training, counseling, suspension and/or dismissal of its employees.

45. At all relevant times, Defendant BLOOMBERG employees were not afforded the proper anti-discrimination training, monitoring, policing and/or discipline for failure to comply with employment policies to protect employees against workplace discrimination and/or retaliation.

46. At all relevant times, Defendant BLOOMBERG employees were not afforded a sufficient and/or effective means of complaining and/or reporting workplace discrimination and/or retaliation.

**SUMMARY OF PLAINTIFF'S CLAIMS AS A REPRESENTATIVE OF A  
PROTECTED CLASS**

47. After six years of employment, PLAINTIFF, a female age 53 and a breast cancer survivor, was terminated by Defendant BLOOMBERG while undergoing continuous medical treatment, multiple surgeries, chemotherapy medication, radiation and continuous follow up care and cancer treatment by her oncologist, surgeon, and other medical providers.

48. Following her termination, PLAINTIFF has remained under the continuous medical care of her providers up to and including the present.

49. During and following her employment, PLAINTIFF was subject to a disability as that term is defined under NYCHRL and NYSHRL.

50. At all relevant times, PLAINTIFF was a member of a protected class based on her gender, age, and/or disability and was entitled to be free from discrimination, harassment, and retaliation during her employment by Defendant BLOOMBERG.

51. During PLAINTIFF's employment at Defendant BLOOMBERG, PLAINTIFF was subjected to discrimination on the basis of her severe and life threatening disability, her sex, and her age, and retaliated against for her complaints of such discrimination and her need for an accommodation for her disability by way of intermittent leave.

52. As a result of PLAINTIFF's complaints of discrimination, she was singled out and targeted by Defendants BLOOMBERG, its executive officers, CFO GROSSMAN, and its senior management, and terminated on or about November 21, 2016.

53. Said incidents took place due to willful and wonton conduct and intentional actions of Defendants.

54. During PLAINTIFF's employment, while she was in a medically fragile state both physically and emotionally, Defendants sought the waiver of PLAINTIFF's legal rights to sue for discrimination. PLAINTIFF has revoked in writing to Defendant

BLOOMBERG any purported waiver of her rights contained in any general release executed by PLAINTIFF while under extreme physical and emotional duress exacerbated by Defendants' conduct and while she treated for a serious life threatening medical illness.

55. As a result of Defendants' willful and/or fraudulent misconduct in interfering with PLAINTIFF's statutory right to sue for damages sustained, any purported execution of a general release cannot be construed as "knowing" and "voluntary" as required by law.

56. PLAINTIFF's purported general release was not supported by adequate consideration in exchange for the waiver of her rights. Pursuant to Defendants' employment policies, PLAINTIFF was entitled to any and all severance payments that Defendant offered and/or paid her.

#### **PLAINTIFF'S EMPLOYMENT**

57. In 2010, PLAINTIFF commenced her employment with Defendant BLOOMBERG having more than twenty years of experience in the media industry.

58. In 2010, PLAINTIFF was hired to work in the Custom Content Department as Director of Custom Content for Defendant BLOOMBERG Business Week department.

59. During her employment, PLAINTIFF came under the direct supervision of Michael Dukmejian, Vicki King and Michelle Bosso. At all relevant times, PLAINTIFF also reported to Defendant CFO GROSSMAN.

60. As Director of Custom Content, PLAINTIFF's duties consisted of overseeing creation and sales of native content for BLOOMBERG's magazines, websites, and mobile applications.

61. During her employment as Director of Custom Content for Defendant BLOOMBERG, PLAINTIFF launched and grew client-driven native content for all of BLOOMBERG's media that revenue over \$13 million a year for the department.

62. At all relevant times, PLAINTIFF created pitches and implemented strategies that increased overall business in her department. She also managed relationships with advertisers that were critical for the overall success of BLOOMBERG media.

63. At all relevant times, PLAINTIFF's job performances was more than satisfactory.

**GENDER BIAS / DISABILITY DISCRIMINATION /**  
**HOSTILE WORK ENVIRONMENT**

64. In or about December 2014, PLAINTIFF was diagnosed with breast cancer. Immediately after finding out about her condition, PLAINTIFF notified her supervisor, Michael Dukmejian, she would need a partial mastectomy and radiation treatments for approximately six weeks.

65. On December 8, 2014, PLAINTIFF was approved for medical leave under the Family Medical Leave Act ("FMLA").

66. After undergoing additional related surgery in or about January of 2015, PLAINTIFF returned to work on February 2, 2015.

67. PLAINTIFF's Doctor's note from Lauren S. Cassell, M.D., Chief of Breast Surgery, Lenox Hill Hospital wrote that, "in the near future she may need occasional days on short-term disability due to further treatment."

68. In or about March of 2015, PLAINTIFF required radiation therapy. PLAINTIFF worked every day through said radiation therapy from March 17, 2015 to April 8, 2015.

69. On May 29, 2015, PLAINTIFF was scheduled to undergo reconstruction breast surgery requiring medical leave.

70. In or about the period PLAINTIFF was on FMLA leave, Defendant GROSSMAN was promoted to CFO of Defendant BLOOMBERG's media department.

71. After PLAINTIFF returned to work on June 26, 2015, Paul Kane, BLOOMBERG's Head of Media was terminated. As a result, Defendant GROSSMAN assumed Mr. Kane's duties and became the new Head of the Media Department and acting CFO.

72. Shortly after PLAINTIFF return from medical leave, CFO GROSSMAN, with leave from Defendant BLOOMBERG's executive officers, began excluding her from strategy meetings and executed decisions affecting her department and reports without her advice or input.

73. Defendant BLOOMBERG, by its CFO GROSSMAN's exclusionary tactics, directly impacted PLAINTIFF'S ability to perform her job and created a hostile work environment.

74. On several occasions, PLAINTIFF requested meetings to discuss her complaints and concerns directly with CFO GROSSMAN. In response, CFO GROSSMAN retaliated by ignoring her requests and continuously rescheduling their meetings, which ultimately, never transpired.

75. PLAINTIFF complained to her direct supervisor, Michelle Bosso, Publisher of the BLOOMBERG magazines and another female over 40. Ms. Bosso attempted to schedule meetings with CFO GROSSMAN to discuss PLAINTIFF's concerns but she too was ignored.

76. Shortly after assuming his Executive role, CFO GROSSMAN imposed significant adverse changes to PLAINTIFF's work conditions and to the work conditions of various Media Department female employees, and in particular, those over 40.

77. Defendant CFO GROSSMAN directed PLAINTIFF to terminate three salespersons, all of which were women over 40, from her department without cause or rationale for any performance issue. Despite the need for such talent on PLAINTIFF's team, Defendant CFO GROSSMAN refused to authorize the hire of any replacements. In doing so, CFO GROSSMAN stripped PLAINTIFF of her ability to meet her sales goals.

78. Defendant CFO GROSSMAN's actions intended to marginalize PLAINTIFF, a female employee over 40, within the media department.

79. Defendant CFO GROSSMAN made clear to PLAINTIFF and her department that his agenda, as approved by Defendant BLOOMBERG's chief executives, was to marginalize sales for Bloomberg Businessweek and Markets magazines and solely promote digital media with a "DIGITAL FIRST" mantra. Defendants did so knowing and intending that such employment policy and strategy would likely have an immediate adverse discriminatory impact on BLOOMBERG's female employees, and especially these over 40, who were employed in the media department.

80. To this end, CFO GROSSMAN concealed magazine circulation numbers, hid loss profit logs and shifted magazine funds to the digital fund to justify Defendants' strategy and adverse action against PLAINTIFF and other female over 40 employees.

81. Importantly, Defendants' "agenda" failed to include proper analysis of such discriminatory impact upon these protected class members and whether retaining some of these talented, experienced female employees over the age of 40 in the media department was necessary to prevent an adverse discriminatory impact in violation of the applicable statutes. Nor did any of Defendant BLOOMBERG's executives and/or Human Resources ("HR") consider transferring these female employees over the age of 40 to comparable positions within BLOOMBERG or consider them for rehire in another capacity.



82. During the period of 2015-2016, Defendants terminated approximately 30 employees in the media group that were over the age of 40 and replaced them with younger employees outside the protected class.

83. At all relevant times, PLAINTIFF continued to complain to her supervisor, Ms. Bosso, about CFO GROSSMAN'S executive decision making, policies, and conduct and her hostile work environment, to no avail.

84. At all relevant times, PLAINTIFF endured a hostile work environment that was severe and pervasive and interfered with her ability to perform her job functions.

85. At all relevant times, PLAINTIFF worked with another female employee Adrienne Bills, who was the girlfriend of another BLOOMBERG male executive, Nicholas Ferris. In or about October 2015, Ms. Bills advised PLAINTIFF that Ferris had been fired for something "egregious." PLAINTIFF discovered from other BLOOMBERG employees that Ferris was fired because he had reportedly sexually assaulted and harassed his assistant, a former female employee, and for other misconduct.

86. PLAINTIFF told Ms. Bosso what she learned about Ferris as well as her colleague, C.B. Ms. Bosso confirmed she had heard about Ferris' termination.

87. Other female employees in the media department including M.E., L.D., M.B., M.G. and Johnna Ayres, learned about the "Ferris scandal"<sup>11</sup> and complained about

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<sup>11</sup> Ferris' misconduct resulted in a lawsuit filed, *Doe v. Bloomberg L.P.*, Index No: 28254/2016E.

the gender bias and culture of favoritism towards males at BLOOMBERG that adversely affected female employees.

88. Throughout 2016, PLAINTIFF's hostile work environment persisted, during which time PLAINTIFF required continuous treatment for breast cancer.

89. Throughout 2016, PLAINTIFF worked under extreme physical and emotional duress, physical pain and suffering due to her concern for her health, financial stability, and job security and loss of medical coverage with Defendant BLOOMBERG.

**EXTREME DURESS / WRONGFUL TERMINATION**

90. On November 17, 2016, PLAINTIFF was seen in the emergency room of NYU Langone Medical Center for severe anxiety and a panic attack. Her medical records reflect that her panic attacks were due to external work-related stress, including terminations at BLOOMBERG and her fear that she too was targeted for termination and would lose the income and medical coverage which she and her immediate and extended family (4 adults in total) depended on.

91. As a direct and proximate cause of her hostile work environment, PLAINTIFF required psychiatric evaluation for severe depression, low mood, constant tearfulness, constant anxious ruminations, decreased concentration, decreased energy, anhedonia, and helplessness.

92. PLAINTIFF was recommended for inpatient admission due to "worsening depression" and "declined dysfunctional status."

93. On November 21, 2016, only four days after her emergency psychiatric evaluation, on the heels of her disability and protected intermittent leave, PLAINTIFF was terminated.

94. Based upon all of the facts and circumstances that existed at the time PLAINTIFF was presented with execution of the Separation Agreement and General Release and in particular, after her emergency room visit and psychiatrist evaluation, resulting in prescription of medication and recommendation for inpatient treatment, the purported Severance Agreement and General Release is invalid because it lacked a knowing and voluntary waiver of her legal rights in addition to a lack of adequate consideration.

95. In spite of the timing of Michael Bloomberg's generous donation of \$50 million in March 2016 to John Hopkins University's Cancer Fund, BLOOMBERG terminated PLAINTIFF, a breast cancer survivor, within months, on November 21, 2016.

96. At or about the same time PLAINTIFF was terminated, Michelle Bosso, age 56, Chris Barrett, age 52, and other employees over the age of 40 including, but not limited to, Patrice Serret, Victoria Fontaine, Steve Makos, Kathleen Beatty, Marc Siegel and Chris Converse were also terminated.

97. Upon information and belief, PLAINTIFF and her female and/or over 40 coworkers were replaced with younger and/or male employees.

**FIRST CAUSE(S) OF ACTION**

**Disability Discrimination – Disparate Treatment (NYCHRL and NYSHRL)**

98. PLAINTIFF repeats, reiterates, and realleges each and every allegation set forth above in paragraphs "1" through "97" with the same force and effect as if more fully set forth herein.

99. Defendants BLOOMBERG, L.P., and CFO KEITH GROSSMAN discriminated against Plaintiff by subjecting Plaintiff to a hostile work environment in the form of retaliation for taking medical leave and discrimination based on Plaintiff's disability which was severe and pervasive.

100. By the aforementioned acts and as alleged further herein, Defendants were on notice of their practices and procedures that caused and/or permitted discriminatory treatment of PLAINTIFF on the basis of her disability with respect to her terms and conditions of employment at BLOOMBERG, L.P.

101. At all relevant times, Defendants maintained, encouraged, and or condoned the specific conduct complained of, and a pattern and practice of unlawful discrimination on the basis of disability.

102. As a result of Defendants' aforesaid acts, Defendants discriminated against PLAINTIFF on account of her disability in violation of the New York State Executive Law § 296 and/or New York City Administrative Code § 8-107 during the course of Defendants' employment of PLAINTIFF.

103. As a result of Defendants' discriminatory and adverse acts, PLAINTIFF suffered damages, including without limitation, deprivation of income and benefits, loss of healthcare, loss of employment opportunities, severe emotional distress, personal injuries, pain, suffering, mental anguish, humiliation, loss of enjoyment of life, damage to reputation and her career.

104. Defendants' unlawful and retaliatory conduct in violation of NYCHRL and NYSHRL was outrageous and malicious, was intended to injure PLAINTIFF, and was done with conscious disregard of PLAINTIFF's civil rights, entitling PLAINTIFF to an award of punitive damages.

### **SECOND CAUSE(S) OF ACTION**

#### **Sex Discrimination - Disparate Treatment (NYCHRL and NYSHRL)**

105. PLAINTIFF repeats, reiterates, and realleges each and every allegation set forth above in paragraphs "1" through "104" with the same force and effect as if more fully set forth herein.

106. By the aforementioned acts and as alleged further herein, Defendants were on notice of their practices and procedures that caused and/or permitted discriminatory treatment on the basis of sex of PLAINTIFF with respect to her terms and conditions of employment at BLOOMBERG, L.P.

107. At all relevant times, Defendants maintained, encouraged, and/or condoned the specific conduct complained of, and a pattern and practice of unlawful discrimination, and created a hostile work environment on the basis of sex.

108. As a result of Defendants' aforesaid acts, Defendants discriminated against PLAINTIFF on account of her sex in violation of the New York State Executive Law § 296 *et seq.* and/or New York City Administrative Code § 8-107 *et seq.* during the course of Defendants' employment of PLAINTIFF.

109. As a result of Defendants' discriminatory and adverse acts, PLAINTIFF suffered damages, including without limitation, deprivation of income and benefits, loss of employment opportunities, loss of healthcare, severe emotional distress, personal injuries, pain, suffering, mental anguish, humiliation, loss of enjoyment of life, damage to reputation and her career.

110. Defendants' unlawful and retaliatory conduct in violation of NYCHRL and NYSHRL was outrageous and malicious, was intended to injure PLAINTIFF, and was done with conscious disregard of PLAINTIFF's civil rights, entitling PLAINTIFF to an award of punitive damages.

**THIRD CAUSE(S) OF ACTION****Age Discrimination - Disparate Treatment (NYCHRL and NYSHRL)**

111. PLAINTIFF repeats, reiterates, and realleges each and every allegation set forth above in paragraphs "1" through "110" with the same force and effect as if more fully set forth herein.

112. By reason of Defendants' aforementioned acts, Defendants discriminated against PLAINTIFF on account of her age and created a hostile work environment during her employment with BLOOMBERG, L.P.

113. PLAINTIFF has been discriminated against by Defendants, on the basis of her age in violation of the NYSHRL and the NYCHRL by Defendants holding her to a higher standard in the terms and conditions of her employment than her similarly situated younger co-workers and/or members outside her protected class; creating a discriminatory and hostile work environment for PLAINTIFF resulting in terms and conditions her employment inferior to similarly situated younger co-workers and/or members outside her protected class; discharging PLAINTIFF from employment because of her age; replacing PLAINTIFF by and/or retaining less qualified younger employees, all manifesting in Defendants' reckless indifference to the laws prohibiting discrimination.

114. Defendants maintained, encouraged, and/or condoned a pattern and practice of discriminating against PLAINTIFF on account of her age in their hiring,

promotion, training, compensation, treatment and termination during her employment with BLOOMBERG, L.P. in violation of the New York City Administrative Code § 8-107 *et seq.* and the NYS Executive Law § 296 *et seq.*

115. As a result of Defendants' discriminatory and adverse acts, PLAINTIFF suffered damages, including without limitation, deprivation of income and benefits, loss of opportunity for advancement or promotion, loss of employment opportunities, loss of healthcare, severe emotional distress, personal injuries, pain, suffering, mental anguish, humiliation, loss of enjoyment of life, damage to reputation and her career.

116. Defendants' unlawful and retaliatory conduct in violation of NYCHRL and NYSHRL was outrageous and malicious, was intended to injure PLAINTIFF, and was done with conscious disregard of PLAINTIFF's civil rights, entitling PLAINTIFF to an award of punitive damages.

#### **FOURTH CAUSE(S) OF ACTION**

##### **Disparate Impact (NYSHRL and NYCHRL) (Gender)**

117. PLAINTIFF repeats, reiterates, and realleges each and every allegation set forth above in paragraphs "1" through "116" with the same force and effect as if more fully set forth herein.

118. Defendants have maintained, encouraged, and/or condoned a pattern and practice of gender discrimination against females with respect to the terms and conditions of their employment with Defendant BLOOMBERG, L.P.



119. Defendants have, by using facially neutral employment practices such as Reduction in Force (“RIF”) policies, and, on other occasions, using excessively subjective standards for performance, and/or selection of employees for hire, promotion and/or dismissal, caused a significant, adverse and discriminatory impact on female employees. PLAINTIFF, among others, is one of the victims of the aforesaid practices.<sup>12</sup>

120. As a result of the above described discrimination by Defendants, PLAINTIFF and other similarly situated female employees have been deprived of income in the form of salary, bonuses, medical benefits, retirement benefits, and other employment benefits, and have suffered irreparable harm.

121. As direct and proximate result of Defendants’ unlawful gender discrimination in violation of NYSHRL and NYCHRL, PLAINTIFF and other similarly situated female employees have and are now suffering irreparable injury and monetary damages, including, without limitation, lost wages, benefits and other perquisites of employment, emotional distress and pain and suffering.

122. Defendants’ unlawful and retaliatory conduct in violation of NYCHRL and NYSHRL was outrageous and malicious, was intended to injure PLAINTIFF and other similarly situated female employees, and was done with conscious disregard of PLAINTIFF’s and other female employees’ civil rights, entitling PLAINTIFF to an award of punitive damages.

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<sup>12</sup> See also, Ayers v. Bloomberg, L.P, Sup Ct, Kings County, Index No. 517214/2018

**FIFTH CAUSE(S) OF ACTION****Disparate Impact (NYHRL & NYCHRL) (Age)**

123. PLAINTIFF repeats, reiterates, and realleges each and every allegation set forth above in paragraphs "1" through "122" with the same force and effect as if more fully set forth herein.

124. Defendants have maintained, encouraged, and/or condoned the specific conduct complained of, and a pattern and practice of discrimination against persons aged 40 and above, with respect to the terms and conditions of their employment with Defendant BLOOMBERG, L.P.

125. Defendants have, by using facially neutral employment practices, such as RIF policies, and, on other occasions, using excessively subjective standards for performance, and/or selection of employees for hire, performance and/or dismissal, caused a significant, adverse and discriminatory impact on persons aged 40 and above. PLAINTIFF, among others, is one of the victims of the aforesaid practices.

126. As a result of the above described discrimination by Defendants, PLAINTIFF and other similarly situated employees age 40 and above have been deprived of income in the form of salary, bonuses, medical benefits, retirement benefits, and other employment benefits, and have suffered irreparable harm.

127. As a direct and proximate result of Defendants' unlawful age discrimination in violation of the NYSHRL and/or the NYCHRL, PLAINTIFF and other similarly situated employees have and are now suffering irreparable injury and monetary damages, including, without limitation, lost wages, benefits and other perquisites of employment, emotional distress and pain and suffering.

128. Defendants' unlawful and retaliatory conduct in violation of NYCHRL and NYSHRL was outrageous and malicious, was intended to injure PLAINTIFF and other similarly situated employees aged 40 and above, and was done with conscious disregard of PLAINTIFF's and other employees' age 40 and above civil rights, entitling PLAINTIFF to an award of punitive damages.

#### **SIXTH CAUSE(S) OF ACTION**

##### **Retaliation**

129. PLAINTIFF repeats, reiterates, and realleges each and every allegation set forth above in paragraphs "1" through "128" with the same force and effect as if more fully set forth herein.

130. Defendants have retaliated against PLAINTIFF, in violation of NYCHRL and NYSHRL, for opposing and/or complaining of Defendants' practices against herself and other female employees over 40 at BLOOMBERG, L.P., by subjecting PLAINTIFF to acts of discrimination based on her gender, age, and disability and terminating PLAINTIFF from employment.

131. As a direct and proximate result of Defendants' unlawful and retaliatory conduct in violation of NYCHRL and NYSHRL, PLAINTIFF has suffered damages including, without limitation, deprivation of income and benefits, loss of opportunity for advancement and promotion, loss of employment opportunities, loss of health care, severe emotional distress, pain, suffering, inconvenience, mental anguish and humiliation and damage to reputation and career.

132. Defendants' unlawful and retaliatory conduct in violation of NYCHRL and NYSHRL was outrageous and malicious, was intended to injure PLAINTIFF, and was done with conscious disregard of PLAINTIFF's civil rights, entitling Plaintiff to an award of punitive damages.

**WHEREFORE**, PLAINTIFF respectfully requests that this Court grant judgment for her and on behalf of other similarly situated members of her protected class, and that it order and award her the following relief against the Defendants BLOOMBERG, L.P., KEITH GROSSMAN and "JOHN DOES" # 1-10:

(1) Grant PLAINTIFF declaratory judgment that the acts, policies, practices, and procedures complained of herein violated PLAINTIFF's rights as secured by the New York City Administrative Code, § 8-101 *et seq.*, and the New York State Executive Law § 296 *et seq.*, and such other statutes that provide protection against discrimination and retaliation;

(2) Grant PLAINTIFF preliminary and permanent injunctions, prohibiting the DEFENDANTS, their agents, successors, employees, and those acting in concert with them and at their direction from engaging in any of the practices set forth above and any other practice shown to be unlawful or retaliatory or discriminatory on the basis of sex, age, and disability with respect to compensation, terms, conditions and privileges of employment or from continuing or maintaining a policy, practice, custom or usage of denying, abridging, withholding, conditioning, limiting or otherwise interfering with the rights of PLAINTIFF and/or other similarly situated members of a protected class to enjoy equal employment opportunities secured by law;

(3) Establish an imposed oversight and monitoring of the activities of DEFENDANTS to prevent future acts of retaliation;

(4) Establish a mechanism for the enforcement of the injunctions by requiring the DEFENDANTS to present to the Court within 30 days of the issuance of the injunction, (a) a plan showing precisely and in detail how they will comply with the Court's order and that they cease and desist from policies, practices, customs and usages of discrimination against PLAINTIFF and other protected persons similarly situated and (b) reimbursement for lost bonuses, health benefits, 401K contributions, social security, experience, training opportunities, and other benefits; in an amount to be proved at trial;

(5) Compensatory damages for emotional pain and suffering, mental anguish, humiliation, loss of salary, bonuses, healthcare, loss of reputation and opportunity and

permanent disability in an amount to be proved at trial, but believed to exceed \$5,000,000.00;

(6) Liquidated damages in an amount to be awarded at trial;

(7) Punitive damages in an amount to be awarded at trial;

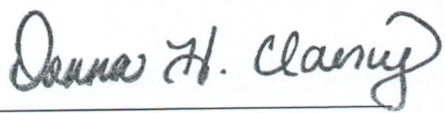
(8) Attorneys' fees, costs and disbursements;

(9) Interest; and

(10) Such additional relief to plaintiff as the Court deems just and proper.

Dated: New York, New York  
October 31, 2019

THE CLANCY LAW FIRM, P.C.

By: 

Donna H. Clancy, Esq.  
40 Wall Street, 61<sup>st</sup> Floor  
New York, New York 10005  
(212) 747-1744  
*Attorneys for Plaintiff*  
*Laurie Evans*



VERIFICATION

STATE OF NEW YORK            )  
  ss.:  
COUNTY OF NEW YORK        )

Donna H. Clancy, an attorney at law, duly admitted to practice in the Court of the State of New York, affirms under the penalties of perjury, that:

I am the founding attorney of The Clancy Law Firm, P.C., attorneys of record for Plaintiff LAURIE EVANS.

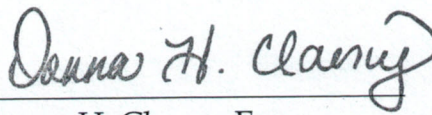
I have read the foregoing COMPLAINT and know the contents thereof, and upon information and belief, I believe the matters alleged therein to be true.

The reason this verification is made by deponent and not by the Plaintiff is that the Plaintiff resides in a County other than the one in which the Plaintiff's attorneys maintain their office.

The source of deponent's information and the grounds for belief here are communications, papers, reports and investigations contained in the file.

Dated: New York, New York  
October 31, 2019

THE CLANCY LAW FIRM, P.C.

By:   
Donna H. Clancy, Esq.  
40 Wall Street, 61<sup>st</sup> Floor  
New York, New York 10005  
(212) 747-1744  
*Attorneys for Plaintiff*  
*Laurie Evans*